

In re: Crane, V. & Simmons, C.
Appl. No.: 10/039,836
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Amendments to the Claims:

1-17. (Withdrawn)

18. (Currently Amended) An isolated nucleotide sequence selected from the group consisting of:

- (a) a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;
- (b) a nucleotide sequence having at least ~~75%~~ 95% identity to SEQ ID NO:3, wherein said nucleotide sequence is capable of regulating transcription; ~~and,~~
- ~~(c) a nucleotide sequence comprising at least 20 contiguous nucleotide sequences of SEQ ID NO:3, wherein said nucleotide sequence is capable of regulating transcription.~~

19. (Original) A DNA construct comprising a promoter having the nucleotide sequence of claim 18 operably linked to a nucleotide sequence of interest.

20. (Original) An expression vector comprising the DNA construct of claim 19.

21. (Currently amended) A plant having stably incorporated into its genome at least one DNA construct comprising a nucleotide sequence of interest operably linked to a promoter, wherein said nucleotide sequence of interest is heterologous to said promoter and wherein said promoter is selected from the group consisting of:

- (a) a promoter sequence comprising the sequence set forth in SEQ ID NO:3;
- (b) a promoter sequence having at least ~~75%~~ 95% identity to SEQ ID NO:3 wherein said promoter sequence regulates transcription of said heterologous nucleotide sequence of interest; ~~and,~~
- ~~(c) a nucleotide sequence comprising at least 20 contiguous nucleotide sequences of SEQ ID NO:3, wherein said nucleotide sequence is capable of regulating transcription.~~

22. (Original) A plant cell having the vector of claim 20.

23. (Currently amended) A method of regulating the expression of a nucleotide sequence of interest, said method comprising stably incorporating in the genome of a plant cell a nucleotide sequence of interest operably linked to a promoter comprising a ~~the~~ nucleotide

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sequence of claim 18, wherein said nucleotide sequence of interest is heterologous to said promoter.

24. (Currently amended) The method of claim 23, further comprising contacting said plant cell with a ~~stimuli~~ stimulus that induces expression of said nucleotide sequence of interest.